REMARKS

The claims have not been amended. Accordingly, claims 1-10 are currently pending in the application, of which claims 1 and 9 are independent.

Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Preliminary Matters

In the Reply filed on January 30, 2008, Applicants noted that the examiner rejected the claims at least partially in view of Dwyer's Fig. 14 <u>even though Dwyer does not include a Fig. 14</u>. Still, in the Office Action, the examiner again cited to Dwyer's Fig. 14. Appropriate correction is requested.

Rejections Under 35 U.S.C. § 103

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration. *Graham v. John Deere*, 383 U.S. I, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *KSR Int'l. Co. v. Telefex, Inc.*, 550 U.S. __, slip op. at 14-15 (2007). Furthermore, even if the prior art may be combined, the combination must disclose or suggest all of the claim limitations. *See in re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 7,164,755 issued to Yokoyama ("Yokoyama") in view of U.S. Patent No. 6,671,567 issued to Dwyer, *et al.* ("Dwyer"). Applicants traverse this rejection for at least the following reasons.

Even if Yokoyama and Dwyer could be combined as the examiner suggests, the combined references fail to disclose or suggest every feature of the claims.

Applicants will first address Dwyer, since the examiner's reliance on Dwyer is clearly erroneous and cannot support the current rejections. Yokoyama will be addressed after Dwyer.

Claim 1 recites, in relevant part:

> at the transmission terminal, entering into a secure communication mode based on an acknowledge token transmitted from the reception terminal, and performing secure communication with the reception terminal.

As the examiner concedes in the Office Action, Yokoyama fails to disclose these features of claim 1. Therefore, the examiner looks to Dwyer. However, contrary to the examiner's position, Dwyer fails to disclose at least the above-recited features.

The examiner cites generally to Dwyer's Fig. 14 and col. 9, lines 56-64.[1] Applicants have scoured these portions of Dwyer along with the remainder of Dwyer, and have found no evidence that Dwyer either discloses or suggests such features as those quoted above from claim 1.

Rather, Dwyer is directed generally to a transfer of voice recordings from a portable voice recorder to a personal computer. See Abstract, Fig. 1. Each voice recording is a data file with a header that includes header data representing characteristics of the data file. See, e.g.,

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[1] As noted above, Dwyer does not include a Fig. 14, and Applicants will respond as if the examiner had identified Fig. 1. Applicants implore the examiner to make the appropriate correction.

6

col. 5, lines 48-59. Further, Dwyer's personal computer includes the ability to edit the header data of data files stored on the voice recorder by "utilizing conventional text editing techniques." See, e.g., col. 8, lines 44-61. Additionally, Dwyer discloses various upload procedures for the data files at Fig. 4, Fig. 6, and Fig. 7, and corresponding portions of the specification. However, nowhere does Dwyer disclose or suggest that the voice recorder may enter "into a secure communication mode based on an acknowledge token transmitted from the reception terminal, and [perform] secure communication with the reception terminal."

Moreover, not only does Dwyer fail to disclose or suggest at least these features, but the portion of Dwyer's specification relied upon by the examiner, col. 9, lines 56-64, fails to contain any concept that touches on these features. This cited portion of Dwyer is set forth below in its entirety:

> touch screen or the slide switch portion of the recorder's user interface. Preferably, if one of these items were omitted, it would be the touch screen, inasmuch as slide switch control of dictation functions has proven to be highly efficient, and is preferred by many sophisticated users of dictation equipment.
>
> The combination disclosed herein of a portable digital audio recorder with a slide switch control interfaced to a personal computer operable via a conventional graphical user interface represents a marriage of two particularly powerful user interfaces having very different but comple-

Dwyer, col. 9, lines 56-64. The examiner previously quoted this portion of Dwyer in the Non-Final Office Action dated October 30, 2007. Then, in response to Applicants' traverse, the examiner chose to stand fast and again rely on this portion of Dwyer in the Office Action. As shown above, this portion of Dwyer describes the voice recorder's user interface, but has no bearing on "a secure communication mode."

Similarly, claim 9 recites, in relevant part:

at the transmission terminal, entering into a secure communication mode based on an acknowledge token transmitted from the reception terminal, and performing secure communication with the reception terminal.

The examiner's erroneous characterization of Dwyer as to claim 1 is equally erroneous as applied to claim 9.

For at least these reasons, the examiner cannot maintain these rejections of claims 1 and 9 over Yokoyama in view of Dwyer, as currently set forth on the record. Even if the examiner maintains the Office Action's position regarding Yokoyama, which Applicants traverse as set forth below, the shortcoming of Dwyer is fatal and demands withdrawal of the rejections and reconsideration.

Notwithstanding the above-described shortcomings of Dwyer, Applicants reassert the shortcomings of Yokoyama, which were previously set forth in the Reply filed on January 30, 2008. Those reasons will not be repeated here except as to give context to the rebuttal below. Specifically, Applicants maintain that Yokoyama fails to disclose at least "combining token header data of variable lengths to form a token header and generating a token including the token header, the token header data having the lowest occurrence of generation among voice data outputted from a vocoder."

The examiner's rebuttal on page 2 of the Office Action misses the mark. Specifically, the examiner notes that Yokoyama discloses a header including "information regarding frame significance and it being lower than the threshold." The examiner then cites to Yokoyama's col. 6, lines 27-33.

But Yokoyama's frame significance is a rating, which may be a value from 1 to 15, that corresponds to the likelihood that a packet of data includes a human voice. Col. 5, lines 60-61; col. 6, lines 11-19. This determination is made by "comparing an input power [of the message

8

voice for each frame] with a specific threshold." Col. 4, lines 34-35. Further, Yokoyama's goal by assigning this rating to a packet is to improve the compression of the packets making up a caller's voice message and stored in the voice storage space 2. Col. 7, lines 20-25. Specifically, packets with a higher rating, up to 15 (and therefore indicating a higher likelihood of including a human voice), are given different treatment than packets with a lower rating, down to 1 (and therefore indicating a lower likelihood of including a human voice). Additionally, the voice compression block 13 operates if the available memory in the voice storage space 2 falls below a threshold. Col. 8, lines 58-65.

But none of these features are on point with the cited portion of claim 1, namely, "combining token header data of variable lengths to form a token header ..., the token header data having the lowest occurrence of generation among voice data outputted from a vocoder." Indeed, Yokoyama's col. 3, line 30 through col. 4, line 13 disclose the values in the packet headers, which include a 4-bit ID field 211, and a 4-bit significance field 212. See Fig. 3; col. 3, line 30 to col. 4, line 13. Yokoyama fails to disclose, however, that the bits stored in these two fields have "the lowest occurrence of generation among voice data outputted from a vocoder."

For at least these reasons and also the reasons set forth in the Reply filed on January 30, 2008, Yokoyama fails to disclose the features of the claims as relied upon by the examiner. Thus, Yokoyama in view of Dwyer fails to disclose every feature of claims 1 and 9, and the rejections of these claims cannot be maintained.

Accordingly, Applicants request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1 and 9. Claims 2-8 and 10 depend from one of claims 1 and 9, and are allowable at least for this reason. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants

respectfully submit that independent claims 1 and 9, and all the claims that depend therefrom,

are allowable.

CONCLUSION

A full and complete response has been made to the pending Office Action, and all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, all pending claims are allowable and the application is in condition for allowance.

The Examiner is invited to contact Applicants' undersigned representative at the number below if it would expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

/hae-chan park/

Hae-Chan Park
Reg. No. 50,114

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CUSTOMER NUMBER: 58027
H.C. Park & Associates, PLC
8500 Leesburg Pike
Suite 7500
Vienna, VA 22182
Tel: 703-288-5105
Fax: 703-288-5139
HCP:WMH/kbs